IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 948 of 1996
in
SPECIAL CIVIL APPLICATION No 5597 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT AGRICULTURAL UNIVERSITY
Versus
BADHABHAI B RABARI

Appearance:
1. LETTERS PATENT APPEAL No. 948 of 1996
MR SM MAZGAONKAR for Appellant No.
..... for Appellant No.
MR RUPEN M SHAH for Respondent No. 1
MR AR THACKER for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 14/10/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. Against the interim order dated 25.7.1996 passed by the learned Single Judge of this court in Special Civil Application No.5597/95, present appeal is filed.

#. Mr.A.R.Thakkar for respondent No.2 submits that identical Letters Patent Appeal No.103/96 arising out of the interim order passed by the learned Single Judge of this court in Special Civil Application No.7012/93 has been disposed off by the Division Bench of this court (Coram : B.C.Patel, J. (as His Lordship then was) & M.S.Shah, J.) on 15.10.1998, as Their Lordships were of the view that the learned Single Judge was not required to be interfered. However, while disposing of the appeal, Their Lordships directed the Registry to place Main Special Civil Application No.7012/93 before the learned Single Judge taking up such matters for its early disposal. He, therefore, submits that on this line this appeal also can be disposed off. Learned Advocate General, Mr.S.N.Shelat for Mr.Mazgaokar for respondent-university agrees that this appeal be disposed off on the same line.

#. Having carefully gone through the order passed by the learned Single Judge and having heard learned counsel for the parties, we are of the opinion that the order passed by the learned Single Judge in writ petition i.e. Special Civil Application No.5597/95 on 25.7.1996 is not required to be interfered, more particularly, when the same is of interlocutory nature. Identical Letters Patent Appeal No.103/96 was dismissed on this ground.

#. In view of the above, this appeal is dismissed with no order as to costs.

#. However, considering the facts and circumstances of the case, the office is directed to place main Special Civil Application No.5597/95 before the learned Single Judge taking up such matters for its early disposal. Order accordingly.

(B.J.Shethna, J.)

(Ravi R. Tripathi, J.)

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